

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton;
Tony Hammond; and
Robert G. Taub

Complaint of the Associated
Mail and Parcel Centers, et al.

Docket No. C2012-1

ORDER ON MOTION TO DISMISS HOLDING COMPLAINT
IN ABEYANCE PENDING FURTHER PROCEEDING

(Issued June 13, 2012)

I. INTRODUCTION

On March 15, 2012, the Associated Mail and Parcel Centers (AMPC), the National Alliance of Retail and Ship Centers (NARSC), and 11 additional organizations (Complainants) jointly filed a complaint with the Commission concerning the Postal Service's recent introduction of additional services that it offers to post office box customers at certain locations.¹ On April 4, 2012, the Postal Service filed a motion to dismiss the Complaint.² For the reasons set forth below, the Motion to Dismiss is granted in part and denied in part. Additionally, the Commission holds the Complaint in

¹ Complaint Regarding Postal Service Offering Enhanced Services Product for Competitive PO Boxes, March 15, 2012 (Complaint).

² Motion of the United States Postal Service to Dismiss Complaint, April 4, 2012 (Motion to Dismiss).

abeyance pending submission and disposition of an elective filing by the Postal Service under 39 CFR 3020.30 concerning its enhanced services for Post Office Box service. In the absence of such a filing, the Postal Service's answer to the Complaint is due June 25, 2012.

II. THE COMPLAINT

The Complainants allege that, starting in January 2012, the Postal Service changed the service that it offers to post office box customers at certain competitive postal facilities. Complaint at 3. Specifically, Complainants claim that the Postal Service began offering three new services ancillary to traditional Post Office Box service (enhanced services):

1. the option to use the post office street address and a “#” designation in lieu of a “P.O. Box” designation (street addresses);
2. the option to receive email notification of mail delivery (email notification); and
3. the option to receive packages from private carriers (private carrier receipt).

Id. at 10.

Complainants make three claims. First, Complainants claim that the enhanced services represent new services, which the Postal Service may not offer to the public absent Commission approval, which it has not sought. *Id.* at 10-11. Complainants argue that the Postal Service's failure to seek Commission approval prior to offering the enhanced services violates 39 U.S.C. § 3642. *Id.* at 11-12. Second, Complainants contend the costs associated with the new service may not be recovered by current rates in violation of 39 U.S.C. § 3633. *Id.* at 11. Third, Complainants suggest that by offering the enhanced services, the Postal Service has caused a “change in the nature of postal services”, and that it is required pursuant to 39 U.S.C. § 3661 to obtain an advisory opinion from the Commission prior to changing such service. *Id.* at 14-15.

Complainants request that the Commission find that the new services offered to post office box customers violate postal laws and regulations, and that the Postal Service be directed to suspend offering all such services. *Id.* at 3, 18-19.

III. BACKGROUND

A. Docket No. MC2010-20, First Request to Transfer Post Office Box Service to Competitive Product List

On March 12, 2010, the Postal Service requested that a new product, Post Office Box service (Competitive), be added to the competitive product list.³ The Postal Service defined the product to consist of Post Office Box service at 49 service locations where competitive conditions can clearly be demonstrated. *Id.*

The First Request generated significant interest from private mail box (PMB) providers, who submitted the majority of the 42 comments that the Commission received.⁴ Two of the commenters in that proceeding, AMPC and NARSC, are Complainants in the present proceeding. The commenters expressed concern that the Postal Service would compete with PMB providers. *Id.* at 5-6. AMPC and NARSC specifically expressed concern that offering new service enhancements that PMB providers typically offer—such as email notification, street addresses, and acceptance of packages from private carriers—would give the Postal Service an unfair competitive advantage.⁵

The Commission approved the First Request. It acknowledged that the commenters' concerns "are not insignificant" but found the concerns to be "premature." Order No. 473 at 9. The Commission noted that the First Request involved "no changes

³ Docket No. MC2010-20, Request of the United States Postal Service, March 12, 2010, at 1 (First Request).

⁴ Docket No. MC2010-20, Order Approving Request to Transfer Selected Post Office Box Service Location to the Competitive Product List, June 17, 2010, at 5 (Order No. 473).

⁵ Docket No. MC2010-20, Comments of Associated Mail and Parcel Centers, March 23, 2010, at 1; Comments of the National Alliance of Retail Ship Centers, March 31, 2010, at 2.

in fees or services” and it therefore determined that “[p]otential changes in the nature of P.O. Box Service are not before the Commission in this proceeding.” The Commission concluded that “[i]f in the future, the Postal Service proposes to offer ancillary P.O. Box Services, these issues can be raised.” *Id.* However, “concerns about potential changes to P.O. Box Service do not warrant rejecting the instant proposal.” *Id.* at 10; *see also id.* at 13.

B. Docket No. MC2011-25, Second Request to Transfer Post Office Box Service to Competitive Product List

On May 13, 2011, the Postal Service requested that Post Office Box service at an additional 6,800 locations, representing 44 percent of all post office boxes nationally, be transferred to the competitive product list.⁶ In support of its claim that Post Office Box service is competitive, the Postal Service acknowledged that PMB providers offer additional services, such as email notification, street addresses, and private carrier receipt. *See id.*, Attachment B at 3. But the Postal Service repeated the Commission’s earlier finding that the services that the Postal Service and PMB providers offer are “close substitutes” for each other. *Id.*

In the Second Request, the Postal Service indicated an intention to “enhance service at many competitive locations,” for example by making “building improvements in order to expand lobby hours.” *Id.* at 6. It also noted that customers will appreciate “enhanced service at the competitive locations,” citing examples of such service enhancements as expanded lobby hours, signature on file, and “baker’s dozen” pricing. *Id.* at 7.⁷ Finally, the Postal Service stated that although it would not offer all of these enhanced services at every competitive location, “in the future, the competitive price

⁶ Docket No. MC2011-25, Request of the United States Postal Service to Transfer Post Office Box Service in Selected Locations to the Competitive Product List, May 13, 2011, at 1 (Second Request).

⁷ Baker’s dozen pricing in this context means offering 13 months of Post Office Box service for the price of 12 months of service. The Postal Service initially proposed this type of pricing in Docket No. CP2011-26. *See* Docket No. CP2011-26, Notice of the United States Postal Service of Changes in Rates of General Applicability for Competitive Products Established in Governors’ Decision No. 10-4, November 2, 2010, Attachment to Governor’s Decision No. 10-4 at 61.

structure provides flexibility to enhance box service.” Second Request, Attachment B at 7.

The Commission approved the Second Request, which generated fewer objections from PMB providers than the First Request.⁸ Noting the absence of comments from PMB providers, the Commission concluded that “it appears approving the Request will likely have minimal negative impact on them.” *Id.* Although the Postal Service’s cost analysis estimated that competitive Post Office Box service would have a cost coverage of 143 percent, the Commission noted that the Second Request did not state how the Postal Service would “develop and report costs for service enhancements offered at competitive P.O. Box Service locations.” *Id.* at 14. It accordingly instructed the Postal Service “to explain how it will develop and report these costs when it proposes to change prices for competitive P.O. Box Service.” *Id.*

C. Docket No. CP2012-2, Notice of Price Adjustment

On November 22, 2011, the Postal Service filed a notice of rate and classification changes for competitive products.⁹ The Rate Notice was accompanied by the Governors’ Decision evaluating the new prices and classification changes.¹⁰ An attachment to Governors’ Decision No. 11-8 sets forth the price changes and includes a draft Mail Classification Schedule (MCS) language for competitive products of general applicability.¹¹

⁸ No PMB providers filed comments with the Commission. Docket No. MC2011-25, Order Approving Request to Transfer Additional Post Office Box Service Locations to the Competitive Product List, July 29, 2011, at 13 (Order No. 780).

⁹ Docket No. CP2012-2, Notice of the United States Postal Service of Changes in Rates of General Applicability for Competitive Products Established in Governors’ Decision No. 11-8, November 22, 2011 (Rate Notice).

¹⁰ Decision of the Governors of the United States Postal Service on Changes in Rates and Classes of General Applicability for Competitive Products (Governors’ Decision No. 11-8), October 18, 2011.

¹¹ On December 2, 2011, the Postal Service filed revised MCS language. Notice of the United States Postal Service of Filing Revised MCS Language and Non-Public Annex [Errata], December 2, 2011.

In the Rate Notice, the Postal Service explained how it intended to develop and report costs for service enhancements:

Costs for Competitive Post Office Box service will be computed from a combination of specific finance number costs for projects, such as setting up the street address option and the costs associated with making physical changes to the locations. These would be reported as product specific costs, along with advertising for the product. Information Technology (IT) costs will be calculated by reporting the number of email or text notifications to customers and the average time and data transfer cost per notification.

Rate Notice at 2 n.1. Governors' Decision No. 11-8, and the attachment that accompanied it, contain no further discussion of enhanced services. *See id.*, Part B at 141.

On December 21, 2011, the Commission determined that the Postal Service's planned price adjustments for competitive products appeared to comply with 39 U.S.C. § 3633(a) and 39 CFR 3015.7.¹² Neither the commenters nor the Commission specifically addressed competitive Post Office Box service.

IV. MOTION TO DISMISS AND COMPLAINANTS' RESPONSE

In its Motion to Dismiss, the Postal Service does not challenge the Complainants' principal factual allegation that the Postal Service is offering the enhancements, nor the Complainants' principal legal claim that it was required to provide notice to the Commission before doing so. Rather, the Postal Service makes three arguments. First, it argues that the Complaint should be dismissed because the issues it raises were previously resolved in the Second Request and the Rate Notice proceedings. Motion to Dismiss at 3-4. Second, it contends that the Complaint should be barred because Complainants failed to disclose the Second Request and Rate Notice proceedings to the Commission or explain why the issues raised by the Complaint were not resolved in

¹² Docket No. CP2012-2, Order No. 1062, Order Approving Changes in Rates of General Applicability for Competitive Products, December 21, 2011.

those proceedings. *Id.* at 12. Third, it argues that an advisory opinion proceeding under section 3661 is inappropriate for “minor service enhancements made to Postal products.” *Id.* at 10.

On April 25, 2012, the Complainants filed an answer in opposition to the Motion to Dismiss.¹³ Complainants respond to the first two arguments made by the Postal Service. They contend that the Commission did not resolve the issues raised in the Complaint during the Second Request and Rate Notice proceedings. Answer at 2. They argue that the Commission specifically stated (and that the Postal Service specifically acknowledged) that the issue of enhanced services could not be raised until the Postal Service proposed to add enhanced services to post office boxes. *Id.* at 2-3. Complainants contend that because the issues raised in the Complaint have not been resolved by any prior or existing proceedings before the Commission, they were under no obligation to disclose the Second Request and Rate Notice proceedings to the Commission. *Id.* at 6.

V. COMMISSION ANALYSIS

Complainants filed their Complaint under 39 U.S.C. § 3662(a), which authorizes the filings of complaints by “any interested person”:

(a) In general.—Any interested person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of the provisions of sections 101(d), 401(2), 403(c), 404a, or 601, or this chapter (or regulations promulgated under any of those provisions) may lodge a complaint with the Postal Regulatory Commission in such form and manner as the Commission may prescribe.

Complainants contend that the Postal Service’s actions violate sections 3633, 3642, and 3661, which are included in chapter 36 of title 39.

¹³ Answer in Opposition to the Motion of the United States Postal Service for Dismissal of the Complaint, April 25, 2012 (Answer). At the Complainants’ request, the Commission, over the partial opposition of the Postal Service, extended the deadline for filing the Answer by 15 days, from April 11 to April 26, 2012. Order No. 1315, Order Granting Request for Extension to Answer, April 12, 2012.

Complainants are organizations whose members are businesses that operate mail and parcel centers. They compete with the Postal Service for customers who rent mailboxes and purchase other printing, mailing, shipping, personal, and business services. Complaint at 5-9. As competitors of the Postal Service, they are “interested persons” under section 3662(a).

Complainants make three allegations. First, Complainants allege that the Postal Service, by offering newly enhanced services without prior approval, has violated section 3642, which permits the Postal Service or users of the mail to request, *inter alia*, that the Commission add new products, remove products, or transfer products between the market-dominant and competitive product list. *Id.* at 11-12. Second, Complainants claim that by adding competitive services without notice, the Postal Service violated section 3633 and implementing regulations, which require the Commission to determine that competitive products are covering their costs, making an appropriate contribution to institutional costs, and are not being subsidized by market dominant products. *Id.* at 11. Third, Complainants allege that the Postal Service, by offering enhanced services, has violated section 3661, which requires the Postal Service to request an advisory opinion from the Commission whenever it “determines that there should be a change in the nature of postal services which will generally affect service on a...substantially nationwide basis.” *Id.* at 14.

A. Dismissal Due to Prior Proceedings

The Postal Service contends that Complainants should have raised whatever concerns they have regarding enhanced services in Docket No. MC2011-25, the Second Request proceeding. The Postal Service claims that in the Second Request it “specifically discussed its intent to enhance service at certain competitive locations by stating that ‘the competitive price structure provides flexibility to enhance box service,’ by giving the Postal Service ‘greater ability to recoup the cost of investments through price increases....’” Motion to Dismiss at 5 (footnote omitted). The Postal Service acknowledges that it did not specifically mention the enhanced services that are the

subject of the Complaint, but indicates that it did not do so because enhancements like email notification and street addressing “were still in development.” *Id.* at 5 n.21. It argues that the enhanced services that are the subject of the Complaint are “covered by the Postal Service’s general discussion of enhancements.” *Id.* The Postal Service concludes that “by failing to participate in Docket No. MC2011-25, [Complainants] missed [their] opportunity to raise these concerns with the Commission at the appropriate time.” *Id.* at 6 n.23.

The Postal Service’s characterization of Order No. 780 as substantively ruling on all manner of enhanced post office box services is mistaken. In its Second Request, the Postal Service never stated that it was, as part of its request to transfer 6,800 post office box locations to the competitive product list, proposing to offer the enhanced services forming the basis of the Complaint. Rather, it merely expressed an intention to offer “enhanced services,” identifying only extended lobby hours, signature on file, “baker’s dozen” pricing, waiver of key deposits, and the installation of parcel lockers. Second Request, Attachment B at 7. The passing reference in the Second Request to other enhanced services, *e.g.*, email notification and street addresses, was made in the context of services that PMB providers typically offer. *See id.* at 3. These brief references to certain enhanced services that “were still in development” are not the equivalent of notice sufficient to apprise the public of the Postal Service’s planned service changes.¹⁴

The statement that the Postal Service relies upon—that competitive prices provide “flexibility to enhance box services”—does not support the Postal Service’s assertion that the enhanced services at issue in the Complaint were resolved by the Commission during the Second Request proceedings. The subject of the statement is competitive prices, not enhanced services. In addition, the statement does not indicate which “enhancements” the Postal Service claims to have the flexibility to offer. In sum,

¹⁴ The relatively minor operational changes referenced by the Postal Service, such as expanded lobby hours and the installation of parcel lockers do not affect the nature of the service provided, only the availability of existing Post Office Box service.

the Second Request cannot reasonably be read as providing notice to the public that the Postal Service was proposing in that docket to offer new enhanced post office box services. The enhanced services that are the subject of the Complaint were not before the Commission in the Second Request.

The Postal Service contends that the Commission “acknowledged” the Postal Service’s intention to offer enhanced services by directing it to “explain how it will develop and report these costs” for service enhancements offered at competitive Post Office Box service locations. Motion to Dismiss at 5. In the Second Request, the Postal Service stated that it “plans to enhance service at many competitive locations (e.g., make building improvements in order to expand lobby hours) where there would be a good return on investment.” Second Request, Attachment B at 6. The issues raised in the Complaint were not before the Commission. The Commission’s direction that the Postal Service explain how it would report costs for the enhancements that were before the Commission cannot be construed as approval of enhanced services that were never before it.

Because the enhanced services at issue in the Complaint were not at issue in the Second Request proceeding, Complainants cannot be faulted for not raising the issue then. Indeed, as the Commission noted in the First Request proceedings, it would be premature for the Complainants to complain about services that the Postal Service had not yet proposed to offer. Order No. 473 at 9.

Citing a footnote in the Rate Notice, the Postal Service also contends that it “specifically address[ed]” how it would report costs for projects “such as setting up the street address option and the costs associated with making physical changes to the locations.” Motion to Dismiss at 8 (citing Rate Notice at 2 n.1). The Postal Service argues that the Rate Notice provided Complainants with “another opportunity to be informed of the Postal Service’s intent to offer product enhancements....” *Id.* at 9.

The Postal Accountability and Enhancement Act (PAEA) permits the transfer of market dominant products to the competitive product list. However, the PAEA and the Commission’s rules contemplate that there will be transparency and an opportunity for

public comment whenever there are changes to the products lists. See 39 U.S.C. §§ 3633, 3642; 39 CFR 3015.4; 39 CFR 3020.31 and 32; 39 CFR 3020.90. This transparency ensures that interested parties and the public have an opportunity to comment and raise legal and policy issues when the Postal Service proposes to add new products to the competitive product list. The subject of the footnote is costing methodology for enhanced services, not a proposal to adopt specific services. Complainants cannot be faulted for failing to act upon a glancing reference to enhanced services buried within a footnote in a rate proceeding.

In the First Request proceeding, the Commission acknowledged that concerns over enhanced services are “not insignificant.” Order No. 473 at 9. The Commission indicated that when the Postal Service proposes to offer enhanced services, concerns about those services can be raised. The Postal Service did not propose to offer the enhanced services at issue in the Complaint in any prior proceedings before the Commission. Because the enhanced services at issue in the Complaint are not the subject of any prior or current Commission proceedings, the Motion to Dismiss Complainants’ claims brought pursuant to sections 3633 and 3642 is denied.¹⁵

B. Dismissal of the Section 3661 Claim

Complainants contend that by offering the enhanced services they complain of to post office box customers across the United States, the Postal Service effected a change in the nature of postal services on a nationwide basis. Complaint at 15. They conclude that because the Postal Service failed to seek an advisory opinion prior to offering the enhanced services, it failed to conform to the requirements of section 3661.

¹⁵ The Postal Service contends that if the Commission finds that the issues raised in the Complaint were not resolved during prior proceedings, the Commission should dismiss the Complaint because the Complainants did not notify the Commission that the issues presented in the Complaint are “pending in or have been resolved by an existing Commission proceeding.” Motion to Dismiss at 12. Commission rules require that a Complaint indicate whether the issues presented are pending in or have been resolved by an existing Commission proceeding. 39 CFR 3030.10(a)(7). Because the issues raised in the Complaint were not before the Commission in prior proceedings, the absence of a statement in the Complaint concerning prior proceedings is justified.

The Postal Service contends that the requirements of section 3661 apply to instances in which the Postal Service intends to “change the very nature of a postal service” and not to “minor service enhancements” to postal products. Motion to Dismiss at 10 (internal quotation marks omitted). It argues that section 3661 proceedings are designed to handle major changes to the way that the Postal Service provides service to the public, such as mail processing consolidation, a plan to reduce the number of post offices, and a plan to consolidate stations and branches, not enhancements to a specific product. *Id.* at 10-11. Complainants did not respond to this argument in their Answer.

Section 3661 requires the Postal Service, when it determines that there should be a “change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis,” to submit a proposal to the Commission requesting an advisory opinion on the change prior to the effective date of such proposal.

Whether any particular change to a “postal service” amounts to a change in the “nature of postal services” is ultimately a factual question. Under Complainants’ approach, because all postal services are nationwide in scope, virtually any change to a single product or service could be considered a change in the “nature of postal services,” and thus require the Postal Service to request an advisory opinion under section 3661. Complainants’ reading of section 3661 would appear to impose an unnecessary requirement, that the Postal Service obtain an advisory opinion under section 3661 before implementing any nationwide classification change. Such a restriction on the Postal Service’s ability to make changes to rates, services, and the product lists is inconsistent with other provisions of the PAEA.

The Post Office Box service enhancements at issue pertain to just one product and are intended to provide additional services to post office box customers. Their introduction does not implicate section 3661, which deals with broader questions involving the nature of postal services generally. By contrast, changes to individual products are generally more appropriately considered under other provisions of

chapter 36, *e.g.*, 39 U.S.C. §§ 3622, 3632, 3633, and 3642. These provisions, along with the Commission's rules implementing them, are available, as a general matter, for considering changes to services of existing products.

The Commission need not here define what constitutes a change in the nature of postal services. For purposes of addressing the issue raised in this proceeding, the Commission concludes that the enhanced services identified by Complainants do not amount to a change in the nature of postal services for purposes of section 3661. The Motion to Dismiss Complainants' claim that the Postal Service is required to seek an advisory opinion from the Commission pursuant to section 3661 is accordingly granted.

C. Further Proceeding

The Postal Service does not challenge Complainants' allegation that it is offering enhanced Post Office Box service. Nor does it challenge the Complainants' contention that it is required by 39 U.S.C. § 3642 to provide notice to the Commission and the public prior to offering a new competitive service, and to show that the service satisfies the requirements of 39 U.S.C. § 3633.

In implementing the PAEA, the Commission adopted regulations to enable the Postal Service to initiate changes in rates, classes, products, and services. These include 39 CFR parts 3010 and 3015 (market dominant and competitive price adjustments), 39 CFR 3010.40, 3015.4, and 3020.30 (new products, changes in classes, and changes in products), and 3020.90 (changes to the MCS). Regardless of the type of change, these regulations mandate that notice and relevant supporting materials be filed with the Commission to inform the public and the Commission of the planned or requested change. These procedures are designed to ensure that adequate notice of proposed changes is provided, enabling the Commission to fulfill its statutory responsibilities. They also afford the public an opportunity to comment and provide meaningful input to the Commission as it reviews the proposed changes. These procedures fulfill one of the goals of the PAEA—to eliminate unnecessary adversarial litigation—and have the added benefit of permitting the review to be conducted

relatively expeditiously, at a lower cost to all stakeholders, and using relatively informal procedures.

It is not clear whether the Complaint raises material issues of law or fact. As the record currently stands, the Postal Service has not submitted an appropriate filing that describes the nature and implementing rules for these enhanced services. The Commission cannot therefore accurately evaluate their impact. While that information could undoubtedly be developed in an adversarial complaint proceeding, such a process may be unnecessarily costly and time-consuming.

To efficiently and effectively fulfill its statutory responsibilities and to afford Complainants and the Postal Service a forum to air their views, the Commission establishes Docket No. MC2012-26 as a placeholder for an elective filing by the Postal Service under 39 CFR 3020.30 concerning its enhanced services for Post Office Box service. In opting for this approach, the Commission stresses that it has not made a determination whether one or more of the service enhancements is a new product. Because no appropriate notice of these changes has been filed and these rules require, among other things, submission of “such information and data, and such statements of reasons and bases, as are necessary and appropriate to fully inform the Commission of the nature, scope, significance, and impact of the proposed modification,” (39 CFR § 3020.32(i)) the Commission concludes that such a filing would afford the parties a more efficient, less costly means to address the issues in dispute.¹⁶ Pending resolution of that proceeding, assuming the Postal Service makes the requisite filing, Docket No. C2012-1 will be held in abeyance.

¹⁶ This approach provides a simple and effective means for the parties to efficiently develop a record on which the issues in dispute can be resolved. The Commission considered alternate approaches, such as having the elective filing made pursuant to other Commission rules, *e.g.*, under 39 CFR 3020.90 *et seq.* While perhaps not inappropriate, the alternatives were deemed less conducive to the efficient development of the record necessary to resolve the disputed issues.

The Postal Service should provide any justification it deems appropriate.¹⁷ Likewise, Complainants may comment on the Postal Service's filing, challenging it on any grounds they deem meritorious.¹⁸ The Postal Service's filing is due no later than July 9, 2012. The Commission will subsequently notice the filing giving the Complainants and others an opportunity to comment.

As noted, the filing in reserved Docket No. MC2012-26 is optional. If the Postal Service elects not to make such filing, its answer to the Complaint is due June 25, 2012.

VI. ORDERING PARAGRAPHS

It is ordered:

1. The Motion of the United States Postal Service to Dismiss the Complaint, filed April 4, 2012, is granted as to Complainants' claim under 39 U.S.C. § 3661 and denied as to Complainants' claims under 39 U.S.C. §§ 3633 and 3642.
2. The Complaint will be held in abeyance to permit the Postal Service to make an elective filing as discussed in the body of this Order no later than July 9, 2012. The Complaint will remain in abeyance during the pendency of such proceedings.

¹⁷ Given the interrelationship of Complainants' remaining claims, the Commission cautions that the Postal Service should provide adequate support for its position.

¹⁸ To the extent the Complainants challenge the filing on legal and/or factual grounds, they too should provide the requisite support for their position.

3. If the Postal Service elects not make the filing in Docket No. MC2012-26 as discussed in the body of this Order, its answer to the Complaint is due June 25, 2012.

By the Commission.

Shoshana M. Grove
Secretary